

MELINDA HAAG (CABN 132612)
United States Attorney
MIRANDA KANE (CABN 150630)
Chief, Criminal Division
ANN MARIE URSINI (CABN 269131)
Special Assistant United States Attorney
150 South Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5037
Facsimile: (408) 535-5066
annmarie.ursini@usdoj.gov

~~CONFIDENTIAL~~

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 11-00744-DLJ
)	
Plaintiff,)	STIPULATION AND []
)	ORDER CONTINUING HEARING TO
v.)	March 8, 2012 AND EXCLUDING TIME
)	FROM February 9, 2012 TO March 8, 2012
XOCHITL CISNEROS-RODRIGUEZ,)	FROM THE SPEEDY TRIAL ACT
)	CALCULATION
Defendant.)	
)	
)	

The Parties, OBDULIA DIAZ and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for February 9, 2012 be vacated, and that the hearing be re-set for March 8, 2012 at 9:00 am. The parties are requesting the continuance of the hearing due to the need for additional time to jointly negotiate a resolution in this matter, including time for the government to review significant discovery recently provided by defense counsel.

The parties stipulate that the time between February 9, 2012 and March 8, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).
4

5 DATED: February 1, 2012

MELINDA HAAG
United States Attorney

7 /s/
8 ANN MARIE E. URSINI
Special Assistant United States Attorney

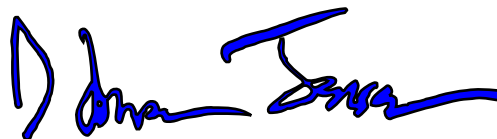
10 /s/
11 VARELL L. FULLER
Attorney for Defendant
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for February 9, 2012 is vacated, and the matter is continued to March 8, 2012 at 9:00 am. Further, the Court ORDERS that the time between February 9, 2012 and March 8, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: CDFG



THE HONORABLE D. LOWELL JENSEN
United States District Judge